

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ALI SHAHROKI,

Plaintiff(s),

V.

MATHEW HARTER, et al.,

Defendant(s).

Case No. 2:21-cv-01126-RFB-NJK

Order

[Docket Nos. 105, 108, 111, 112, 117, 127]

Pending before the Court are Plaintiff's motions to strike filings by Defendant Mathew . Docket Nos. 105, 108, 111, 112, 117, 127. Defendant Harter has filed responses. Docket 16, 151, 153, 160, 168. The motions are properly resolved without a hearing. *See* Local 8-1. For the reasons discussed more fully below, the motions to strike are **DENIED**.

District courts have authority to strike an improper filing under their inherent power to control the docket. *E.g., Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010); *Metzger v. Hussman*, 682 F. Supp. 1109, 1110-11 (D. Nev. 1988). “Striking material under the Court’s inherent power is wholly discretionary.” *Fed. Nat’l Mortg. Assoc. v. Willis*, 2016 WL 11247554, at *1 (D. Nev. Oct. 14, 2016). In deciding whether to exercise that discretion, courts consider whether striking the filing would “further the overall resolution of the action,” and whether the filer has a history of excessive and repetitive filing that has complicated proceedings. *Jones v. Skolnik*, 2015 WL 685228, at *2 (D. Nev. Feb. 18, 2015). Courts have expressed reluctance at striking filings without some showing of prejudice to the moving party. *See, e.g., Mitchell v. Nev. Dept. Of Corr.*, 2017 U.S. Dist. Lexis 174002, at *1 (D. Nev. Oct. 20, 2017)).

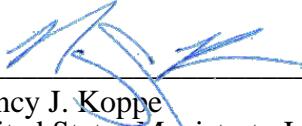
All of Plaintiff's motions to strike rely on the same theory that a defendant cannot participate in a case through filings once a request for default and/or motion for default judgment

1 has been filed. *See, e.g.*, Docket No. 117 at 2. As Defendant Harter correctly points out in
2 response, no legal authority has been cited that it is appropriate to strike filings on that basis. *See*
3 Docket No. 116 at 1. The Court is likewise not persuaded that the mere pendency of a request for
4 default and/or motion for default judgment would render any later filings by the subject defendant
5 improper.¹ Hence, Plaintiff's motions to strike all fail from the start because Plaintiff has not
6 shown that the filings at issue were improper.

7 For the reasons discussed more fully above, Plaintiff's motions to strike are **DENIED**.

8 IT IS SO ORDERED.

9 Dated: October 26, 2021

10 
11 Nancy J. Koppe
United States Magistrate Judge

26 ¹ Plaintiff asks through his motions to strike that default be entered. *See, e.g.*, Docket No.
27 105 at 2. Defendant Harter similarly contests the request for entry of default and motion for default
judgment. *See* Docket No. 160 at 2. The only issue properly before the Court is whether to strike
28 filings. *See* Local Rule IC 2-2(b). The Court herein need not (and does not) express any opinion
on the underlying request for default and/or motion for default judgment.